

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Nelson L. Bruce,)	
)	
Plaintiff,)	
)	Civil Action No. 2:18-2635-BHH
v.)	
)	
Government National Mortgage)	<u>ORDER</u>
Association (Ginnie Mae), U.S. Dept.)	
of Housing and Urban Development)	
(HUD), Federal Housing Administration)	
(FHA), et al,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff Nelson L. Bruce's ("Plaintiff" or "Bruce") pro se complaint filed pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary review.

On April 22, 2020, Magistrate Judge Mary Gordon Baker filed a Report and Recommendation ("Report") regarding the Defendants' motion for summary judgment

and Plaintiff's motion to file a second amended complaint. After outlining the issues and setting forth the applicable law, the Magistrate Judge recommended that the Court grant Defendants' motion for summary judgment and deny Plaintiff's motion to file a second amended complaint. Attached to the Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. On May 8, 2020, Plaintiff filed a response to the Magistrate Judge's Report accepting the dismissal of the case but requesting that it be without prejudice rather than with prejudice.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Plaintiff's only specific objection is his request that the dismissal of this case be without prejudice rather than with prejudice. After review, the Court overrules Plaintiff's objection. Here, the Magistrate Judge thoroughly analyzed the issues and applied the correct principles of law, and Plaintiff does not object to the dismissal of his claims for the reasons set forth by the Magistrate Judge. In recommending that the Court grant Defendant's motion for summary judgment, the Magistrate Judge recommends a ruling on the merits, which operates as a dismissal with prejudice of the claims presented in this action, and after reviewing the record and the applicable law, the Court agrees with the Magistrate Judge's findings and recommendations.

Accordingly, it is hereby ordered that the Magistrate Judge's Report (ECF No. 89) is adopted and specifically incorporated herein; Plaintiff's objections (ECF No. 92) are overruled; Defendant's motion for summary judgment (ECF No. 80) is granted in its entirety; Plaintiff's motion to file a second amended complaint (ECF No. 85) is denied; and this matter is dismissed with prejudice.

IT IS SO ORDERED.

/s/Bruce H. Hendricks

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The Honorable Bruce Howe Hendricks
United States District Judge

July 6, 2020
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that any right to appeal this order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.